

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LANNY R. ILES,

Defendant.

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8:05CR80

ORDER CONTINUING TRIAL

Now pending before the court is defendant's MOTION FOR CONTINUANCE of the jury trial now set for the week of May 2, 2005 (Filing No. 16). For good cause shown, and upon the representation that there is no objection, I find that the motion should be granted.

IT IS ORDERED that defendant's MOTION FOR CONTINUANCE (Filing No. 16) is granted, as follows:

1. The jury trial now set for the week of May 2, 2005 is continued pending defendant's completion of the drug treatment program authorized this date by Magistrate Judge Thalken.
2. A new trial date will be set by further order of the court in accordance with the Speedy Trial Act.
3. The ends of justice will be served by granting defendant's motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **April 28, 2005 and the date of trial**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, because counsel need additional time to prepare the case. Failure to deny this motion might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
4. Defendant shall file a speedy trial waiver in accordance with NECrimR 12.1 as soon as is practicable.

DATED April 28, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**